(4)

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION No. 5348 /1998

Petitioners-

1.Sanjeev Beohar
s/o Shri B.S.Beohar,
aged about 38 yrs,
Executive Engineer,(Civil).

2.P.K.Verma,
s/o Shri Laxman Pd.Verma,
aged about 46 years,
Executive Engineer(Civil).

Both posted at Special Area Development Authority-Bhilai-Durg Supel Tah- and Distt-Durg (M.P.)

Vs-

Respondents-

1.State of Madhya Pradesh through-Secretary,
Housing and Environment Deptt.
Mantralaya,Vallabh-Bhawan,
Bhopal) (M.P.)

2.Administrator,
Municipal Corporation,
Bhilai.
Tah- and distt-Durg (M.P.)

3.Secretary,
Local self Government,
State of M.P.
Mantralaya,Vallabh Bhawan,
Bhopal(MP).

4.Additional Secretary,
Town Administration
And Development
Department,Govt.of M.P.
Mantralaya,Bhopal(MP)

PETITION UNDERARTICLES 226 /227 OF THE CONSTITUTION OF INDIA

(63)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 5348 of 1998

Petitioners		Sanjeev Beohar and another
	Versus	
Respondents		The State of Madhya Pradesh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None appears for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents/State.

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. In the present case, transfer order dated 26.9.98 (P/5) is under challenged, but no interim relief was granted. The petitioner must have joined the transferred place. At this stage, after a lapse of more than eight years, it is not necessary to examine the validity of the transfer order.
2. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
3. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu